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Canada**

**Ministère de la Justice
Canada**

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Via FC Portal

Our File Number: LEX-500081599

April 1, 2022

Federal Court
180 Queen Street West
Toronto, Ontario
M5V 1Z4

**Re: Canadian Frontline Nurses and Kristen Nagle v Attorney General of Canada
T-306-22**

Please deliver this letter to the attention of Prothonotary Milczynski concerning this proceeding.

Please find enclosed the affidavit of Jeremy Adler, which attaches the certificate signed by the Interim Clerk of the Privy Council and Secretary to the Cabinet on March 31, 2022, concerning the application of section 39 of the *Canada Evidence Act* in relation to the above-noted litigation. This has been served on the applicants in this matter.

Yours truly,

John Provart
Senior Counsel
National Litigation sector

Canada 

FEDERAL COURT

BETWEEN:

CANADIAN FRONTLINE NURSES AND KRISTEN NAGLE

Applicants

and

ATTORNEY GENERAL OF CANADA

Respondent

AFFIDAVIT

I, Jeremy Adler, residing in the City of Ottawa, in the Province of Ontario,
declare and say as follows:

1. I am the Chief of Staff in the office of the Clerk of the Privy Council and
Secretary to the Cabinet.

2. I know Janice Charette to be the Interim Clerk of the Privy Council and Secretary to the Cabinet.

3. On the 31st day of March 2022, I witnessed Janice Charette sign the certificate attached hereto as Exhibit "A" dated the 31st day of March 2022, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE ME at the)
City of Ottawa in the)
Province of Ontario this)
1st day of April 2022)


A Commissioner, etc.
LSO 63497W


Jeremy Adler

FEDERAL COURT

BETWEEN:

CANADIAN FRONTLINE NURSES AND KRISTEN NAGLE

Applicants

and

ATTORNEY GENERAL OF CANADA

Respondent

This is Exhibit " A " referred
to in the declaration of

Jeremy Adler
Declared before me this 2nd
day of April A.D. 20 22

[Signature] LSO 63497W
A Commissionner, etc.

Ceci est la pièce _____ à

La déclaration solennelle de

déclarée devant moi ce _____
jour de _____ 20 _____

Commissaire, etc.

CERTIFICATE

I, the undersigned, Janice Charette, residing in the City of Ottawa, in the
Province of Ontario, do certify and say:

1. I am the Interim Clerk of the Privy Council and Secretary to the Cabinet.

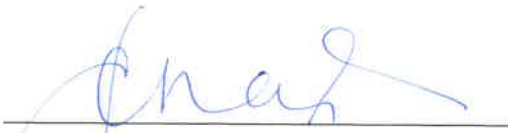
2. I have examined the information described in the Schedule attached hereto for the purpose of determining whether it constitutes a confidence of the Queen's Privy Council for Canada and whether it should be protected from disclosure under section 39 of the *Canada Evidence Act*, R.S.C. 1985, C-5.

3. I certify that under subsections 39(1) and (2) of the *Canada Evidence Act*, the information referred to in the said Schedule is a confidence of the Queen's Privy Council for Canada for the reasons set out in the Schedule attached hereto, and I object to the disclosure of the information.

4. I further certify that paragraph 39(4)(a) of the *Canada Evidence Act* does not apply in respect of the information as it has not been in existence for more than twenty years and that paragraph 39(4)(b) of the said Act does not apply in respect of the information in question.

5. If oral evidence were sought to be given on the content of the information the disclosure of which I have in this certificate objected to, I would object to such evidence on the same grounds as described above in relation to the information in question.

DATED AT OTTAWA, in the Province of Ontario, this 31 day of March 2022.



Janice Charette
Interim Clerk of the Privy Council
and Secretary to the Cabinet

SCHEDULE TO THE CERTIFICATE OF JANICE CHARETTE
dated 31 March, 2022, in the matter of
Canadian Frontline Nurses and Kristen Nagle v Attorney General of Canada
Court File No.: T-306-22

1. Submission to the Governor in Council, February 2022, in English and in French, from the Honourable Marco Mendicino, Minister of Public Safety and Emergency Preparedness, regarding the proposed Order in Council directing that a proclamation be issued pursuant to subsection 17(1) of the *Emergencies Act*, including the signed Ministerial recommendation, a draft Order in Council regarding a proposed proclamation, a draft proclamation, and accompanying materials.

This information, including all its attachments in their entirety, which are integral parts of the document, constitutes a memorandum the purpose of which is to present proposals or recommendations to Council. Therefore, the information is within paragraph 39(2)(a) of the *Canada Evidence Act* (Act).

2. The record recording the decision of Council concerning a proclamation, February 2022, signed by Council.

This information constitutes a record recording deliberations or decisions of Council. The information is therefore within paragraph 39(2)(c) of the Act, as constituting an agenda of Council or a record recording deliberations or decisions of Council

3. Submission to the Governor in Council, February 2022, in English and in French, from the Honourable Marco Mendicino, Minister of Public Safety and Emergency Preparedness, regarding the proposed Order in Council pursuant to subsection 19(1) of the *Emergencies Act* and concerning emergency measures regulations, including the signed Ministerial recommendation, a draft Order in Council regarding proposed emergency measures regulations, draft regulations, and accompanying materials.

This information, including all its attachments in their entirety, which are integral parts of the document, constitutes a memorandum the purpose of which is to present proposals or recommendations to Council. Therefore, the information is within paragraph 39(2)(a) of the Act.

4. The record recording the decision of Council concerning emergency measures regulations, February 2022, signed by Council.

This information constitutes a record recording deliberations or decisions of Council. The information is therefore within paragraph 39(2)(c) of the Act, as constituting an agenda of Council or a record recording deliberations or decisions of Council.

5. Submission to the Governor in Council, February 2022, in English and in French, from the Honourable Marco Mendicino, Minister of Public Safety and Emergency Preparedness, regarding the proposed Order in Council pursuant to subsection 19(1) of the *Emergencies Act* and concerning an emergency economic measures order, including the signed Ministerial recommendation, a draft Order in Council regarding a proposed emergency economic measures order, a draft order, and accompanying materials.

This information, including all its attachments in their entirety, which are integral parts of the document, constitutes a memorandum the purpose of which is to present proposals or recommendations to Council. Therefore, the information is within paragraph 39(2)(a) of the Act.

6. The record recording the decision of Council concerning an emergency economic measures order, February 2022, signed by Council.

This information constitutes a record recording deliberations or decisions of Council. The information is therefore within paragraph 39(2)(c) of the Act, as constituting an agenda of Council or a record recording deliberations or decisions of Council.